

MARY TUCKER.

[To accompany bill H. R. No. 74.]

MARCH 4, 1840.

Mr. GARLAND, of Virginia, from the Committee on the Public Lands, made the following

REPORT :

The Committee on the Public Lands, to whom was referred the petition of Mary Tucker, have had the same under consideration, and make the following report :

The petitioner sets forth in her petition, and proves the facts to be true by several citizens, that in the year 1822 her husband, William Tucker, settled on the west bank of the Mississippi river, in the county of Phillips, and Territory of Arkansas. He continued to reside thereon, and made considerable improvements, until his death on the 16th of July, 1834; that when her husband first settled on said land, it was not surveyed; and when the country was surveyed, the improvement aforesaid was on the sixteenth section of the township.

The petitioner prays that she may be permitted to enter the land she resides on as a pre-emption right, under the different acts of Congress securing to the settlers on public lands a preference of entering their improvements, &c. The petitioner refers to several cases where Congress has extended the like privilege to other citizens.

The committee fully acknowledge the principle, that *whosoever soweth should be permitted to reap*; but they deny the principle, that if Congress has once erred, it is right to continue in error. The committee, in examining into the grants of the United States of the sixteenth section in each township of the public lands, have come to the following conclusion: That all said grants of the sixteenth section are given to the township for common schools, for the instruction of children, forever.

Your committee believe there is a vested right in the township for a particular specified purpose; and that neither Congress, the State or Territory in which the land lies, nor the citizens of the township, can appropriate said sixteenth section to any other purpose than that specified in the grant.

Your committee believe that it would be but justice to the petitioner and her children to permit her to enter a quarter section of other land, in lieu of the land she resides on; and therefore report a bill.

REPORT

MADE AT THE

Mr. GARRARD, Chairman of the Committee on the Public Lands, made the following

REPORT

The petitioner sets forth in her petition and repeats the facts to be true by several clauses that in the year 1832 her husband, William Tucker, settled on the west bank of the Mississippi river in the county of Tipton and Territory of Arkansas. He continued to reside thereon and made considerable improvements, until his death on the 16th of July, 1834; that when her husband first settled on said land it was not surveyed; and when the country was surveyed the improvements made on the sixteenth section of the township. The petitioner prays that she may be permitted to enter the land she resides on as a pre-emption right, under the different acts of Congress relating to the settlers on public lands a provision of entering thereon for improvements, &c. The petitioner refers to several acts of Congress has extended the law privilege to other citizens. The committee fully acknowledge the principle that whatever should be admitted to entry; but they deny the principle that if Congress has once erred it is right to continue in error. The committee in examining into the claims of the United States of the sixteenth section in each township of the public lands, have come to the following conclusions: That all grants of the sixteenth section are given to the township for common schools for the instruction of children. Your committee believe there is a vested right in the township for the specified purpose, and that either Congress the State or territory in which the land lies, not the citizens of the township, are to give and sixteenth section to the township for the purpose of the grant. Your committee believe that it would be just to the petitioner and her children to permit her to have a quarter section of land and the balance of the land she wishes on, and then her report will be made in three parts.